

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

YASSIN YUSUF

)  
)  
) No. 3:10-00260  
) JUDGE HAYNES  
)

MOTION TO EXCLUDE THE TESTIMONY OF JANE DOE TWO

Comes now the Defendant Yassin Yusuf, through counsel, and respectfully moves this Honorable Court to exclude the testimony of Jane Doe Two. In support of this Motion the Defendant Yusuf would show as follows:

1. On Saturday afternoon counsel received additional discovery from the Government which included approximately fifteen hours of Government recorded conversations between Jane Doe Two and Abdullahi Farah who is expected to be a Government's witness in this case. The call dates begin in late December 2011 and continue into February 2012.
2. Counsel learned from the Government that Jane Doe Two consented to having her telephone tapped. Counsel then requested ALL Government recorded conversations from this tap. The Government responded that I had all "pertinent" calls. It is not for the Government to decide which of Jane Doe Two's recorded conversations are "pertinent." In at least one of the recorded conversations between Jane Doe Two and Abdullahi, it is clear by her questioning of Mr. Abdullahi, she was acting as an agent of the Government. She was trying to garner information about this case from him.

*ORDER*  
*Yassin Farah*  
*Order to produce*  
*all recorded telephone*  
*calls of Jane Doe No*  
*2, this*  
*motion*  
*is*  
*DENIED.*  
*Will*  
*WATTS*  
*3-26-12*